

dependent claims 5 and 10. New Claim 15 has been added. Claims 3 and 4 have been canceled. Claims remain in the case.

The applicant appreciated the thoroughness of the review by Examiner and the indication of allowable subject matter.

A petition and fee for a one month extension of time is attached hereto. Payment of the fee for the addition of one new independent claim (new claim 15) is also attached hereto.

The first page of the Office Action was an Office Action Summary that rejected claims 1-3 and 6-14 and objected to claims 4 and 5. The second page of the Office Action began with a Detailed Action that included a recitation of 35 U.S.C. 102 (e) and an explanation of the rejection of claims 1, 2, 6, 7, and 9-13. A 35 U.S.C. 103 (a) rejection was applied to claim 3.

There was no explanation of the rejection applied to claim 14. Accordingly, if this response is not deemed by the Examiner to be wholly persuasive, it is respectfully requested that any subsequent Office Action not be made

final, as the applicant has not had proper opportunity to consider and respond to a rejection of the claims.

1. The recitations of portions of 35 U.S.C. 102 and 103 are noted as well as the rejections applied to the claims.

Claim 2 has been amended to include the limitations of now canceled claim 4 and intervening claim 3. This is in accordance with the Examiner's statement of Allowable Subject Matter. Accordingly, claim 2 and remaining dependent claims 5-13 are believed to be in condition of allowance and reconsideration is respectfully requested. No new matter has been added. No new issues for consideration have been raised.

New base claim 15 includes the limitations of prior claim 2 and the limitations of claim 5 and intervening claim 3. This, like amended claim 2, is in accordance with the Examiner's statement of Allowable Subject Matter. Accordingly, new claim 15 is believed to be in condition of allowance and reconsideration is respectfully requested. No new matter has been added. No new issues for consideration have been raised.

Dependent claims 5 and 10 have been amended only to maintain proper antecedent basis arising from the instant amendments.

Method claim 14 has been amended to include the limitations of structure as found in instant claim 2 as well as the method steps. As claim 2 is believed to be allowable (as indicated by the Examiner), then a method claim that includes patentable structures with its methods steps is also believed to be in condition of allowance. Consideration is respectfully requested for base claim 14.

The language of claim 1 has been replaced to include the limitations of previous claim 2 and the further limitations of now canceled claim 3. Unlike instant claims 2 and 15, the limitations of either claim 4 or 5 are absent from replacement claim 1. Even so replacement claim 1 is believed to be in condition of allowance for the following reasons.

If, as the Examiner suggests, (page 3 of Office Action) that it "would have been obvious... to substitute the retaining means of Mangum with that taught by Zammit", then the resultant device would include "a cylinder with the perforated bottom" 29, 31 of Zammit.

Claim 1 recites that the cylinder includes "an open top and a closed bottom". The closed bottom is an element absent the device of Zammit and which would be absent any applied combination thereof.

Accordingly, claim 1 is now believed to also be in condition of allowance and reconsideration thereof is respectfully requested. As instant claim 1 includes the elements of prior claims 2 and 3, no new elements have been added nor have any new issues been raised for consideration.

Support for these amendments is found in the canceled claims.

The prior art made of record and relied upon that is considered pertinent to the applicant's disclosure has been reviewed by the undersigned.

As all remaining claims 1, 2, and 5-15 appear to be in condition of allowance, reconsideration thereof is respectfully requested, and a notice of allowance is courteously urged at the earliest time.

The applicant appreciates the opportunity to
communicate by telephone with the Examiner if necessary.

Please direct all future correspondence to the new
correspondence address and telephone as shown below.

Respectfully submitted,

 November 1, 2002

Risto A. Rinne, Jr.

2173 East Francisco Blvd.
Suite E
San Rafael, CA 94901

1-415-457-6933

A